



**Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603**

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Minutes of the Uxbridge Zoning Board of Appeals Meeting held on Wednesday, August 2, 2006 at 7:00 P.M. in the Board of Selectmen's Meeting Rm., Uxbridge Town Hall, 21 So. Main St., Uxbridge, MA 01569.

Member(s) Present: Chairman Ernie Esposito, Carol Masiello and John Higgins.
Alternate Member(s) Present: Mark Wickstrom

The meeting being duly called, properly posted and a quorum being present, Chairman Esposito convened the meeting at 7:00 P.M.

PUBLIC HEARINGS (NEW):

FY07-01: The applicant(s) / owner(s) of record, Pinto's Plumbing & Heating, Inc., is (are) seeking, in the Residence C Zone, a Front Setback Variance of 13 ft. from the 40 ft. Front Setback requirement, on a pre-existing, non-confirming lot located at 10 Rockmeadow Rd., Uxbridge, MA 01569, Town of Uxbridge Assessor's Map 14, Parcel 2255, Worcester County District Registry of Deeds' Bk. 35286, Pg. 10, in order to construct a 2,704 sq. ft. three bedroom single family home with attached two car garage. Atty. John Fernandez and Elizabeth Mainini of Guerriere and Halnon represented the applicant. Chairman Esposito drew the attention of the Board to a letter of endorsement from the Conservation Commission (Exhibit "A" attached). Atty. Fernandez pointed out that the lot qualified as a lot exhibiting the type of hardship that would qualify it for the granting of the Variance in question. One abutter, Christopher Haker, was present and indicated that he just wanted to see what had changed from any prior plan he had seen citing that the septic system and well had not moved and he further commented on how the project might impact Rockmeadow Rd. as it is a cut-through street. Atty. Fernandez indicated that this project was not yet before the Board of Health but that he expected it would meet the B.O.H.'s requirements and cited that the septic system was designed with additional safeguards because it will be so close to the wetlands. Atty. Fernandez indicated that the DEP was pleased and that they requested the proposed split rail fence to keep people away from the wetlands. Mr. Higgins observed that the house / septic system could not be put in any other place. Ms. Masiello indicated that she had concerns with the septic system not being approved by the Board of Health and mentioned that she was aware that B.O.H. issues were not under the ZBA's purview but that she would really like to see buy-in from all other concerned parties before the ZBA gave their blessing to the project. Chairman Esposito pointed out that if the B.O.H. did not approve the septic system, it would shut the project down.

Carol Masiello made a motion, seconded by John Higgins, to grant with one condition (Please see below.) the Variance as requested in order to construct a 2,704 sq. ft. three bedroom single family home with attached two car garage.

Condition: The Variance granted herein exists only if the Board of Health approves the septic system.

The vote was 3-0-0 in favor of the motion.

CONTINUED / NEW / OTHER BUSINESS

- **Vote to Accept and Endorse 07/05/06 ZBA Meeting Minutes:** John Higgins made a motion, seconded by Carol Masiello, to accept as amended (changing date on Pgs. 2&3 from 06/07/06 to 07/05/06, changing from Chairman Esposito to Carol Masiello on the bottom of Pg. 2 re: an opinion from the fire chief, and beginning the last sentence of Pg. 2 with Barry) and endorse the 07/05/06 ZBA Meeting Minutes. The vote was 3-0-0 in favor of the motion.
- **Review and Sign Invoices, if any**
- **Review Mail**
 - Chairman Esposito directed the attention of the Board members to a letter from CMRPC relative to a new law regarding Board member participation in Public Hearings and a way to allow an absent member to still be able to participate in the ultimate vote.
- **Zoning By-law Review Committee Request for Comments on Proposed Zoning By-law Changes:** Ms. Brodeur told the Board members that Floyd Forman, Director of Planning and Economic Development, planned to meet with Jim Dwyer, a BRC member, to discuss in detail and report back to Chairman Esposito the changes the proposed by the BRC. Zoning Board members expressed confusion over changes as presented in the BRC document. Chairman Esposito told the Board that he would speak to Mr. Dwyer and attempt to understand the changes and share same with the Board members so that they could comment on the changes.
- **Chairman Esposito asked Ms. Brodeur to put one item on the agenda for the next meeting: Voting on a Request for a ZBA Page on the Uxbridge Web Site**

Adjournment: Carol Masiello made a motion, seconded by John Higgins, to adjourn. The vote was 3-0-0 in favor of the motion. The meeting adjourned at 7:33 P.M.

Approved by the Town of Uxbridge Zoning Board of Appeals:

Ernie Esposito, Chairman

Carol Masiello, Member

John Higgins, Member